

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THOMAS C. SOURAN,

Plaintiff,

v.

DELAWARE STATE FAIR INC.,
ROBIN L. ROCKEMANN, and
REGINALD CARTER,

Defendants.

Case No. 19-CV-1088-JPS

ORDER

Plaintiff filed this action on July 29, 2019, alleging various claims against Defendants related to Plaintiff's attempted involvement in the Delaware State Fair. (Docket #1). On August 12, 2019, Magistrate Judge William E. Duffin issued a recommendation that this action be dismissed without prejudice for want of personal jurisdiction and for improper venue. (Docket #4). The matter was reassigned to this branch of the Court for consideration of the recommendation. Four days later, Plaintiff filed a notice of voluntary dismissal of this action. (Docket #6).

The Court concurs in Magistrate Judge Duffin's analysis and agrees that this action must be dismissed. It further deems Plaintiff's notice of dismissal as a concession that the recommendation is correct. The Court will, therefore, dismiss this action without prejudice. This is contrary to Plaintiff's notice of dismissal, which states that he wishes to dismiss this action *with* prejudice. The Court believes that this was an oversight on Plaintiff's part; as Magistrate Judge Duffin stated in his recommendation,

Plaintiff remains free to bring his claims in the District of Delaware. *See* (Docket #4 at 5).

Accordingly,

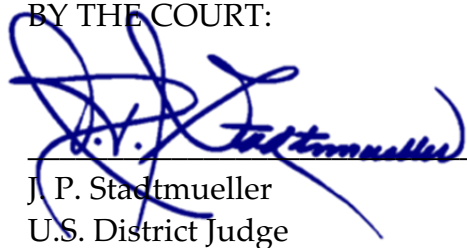
IT IS ORDERED that Magistrate Judge William E. Duffin's August 12, 2019 Report and Recommendation (Docket #4) be and the same is hereby **ADOPTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 19th day of August, 2019.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge